

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EDDY LEE SPEARMAN	§	
VS.	§	CIVIL ACTION NO. 9:13-CV-290
CHARLES W. BELL, <i>et al.</i> ,	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Eddy Lee Spearman, an inmate confined at the Eastham Unit in Lovelady, Texas, with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant Jimmy Locander.¹

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's motion for summary judgment be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.²

¹Plaintiff's claims against defendants Bell, Erwin and Coleman were dismissed by Memorandum Order and Partial Judgment on January 5, 2015.

²The Clerk of Court docketed objections to two Reports and Recommendations entered May 18, 2015 (docket entry no. 36 & 37). The Report and Recommendation addressed in this Memorandum Order is entered as docket entry no. 36. A review of the objections, however, reveal that plaintiff filed no objections to this Report and Recommendation. His objections pertained only to the Report and Recommendation entered as docket entry no. 37.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**.

SIGNED this 30th day of July, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE